

01.06.2021
Court No.28
Item No. 17
Avijit Mitra

CRM 1931 of 2021 (Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure;

And

In Re: **Abul Hossain @ Nunuwa**

Petitioner

Ms. Minoti Gomes,

Mr. Partha Sarathi Das

For the Petitioner

Mr. Rana Mukherjee,

Ms. Sujata Das

For the State

The present application has been filed in connection with Harishchandra Pur Police Station Case No.187 of 2020 dated 10.03.2020 under sections 302/34 of the Indian Penal Code.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The petitioner's first wife had already expired and his second wife is Reji Bibi and his third wife is Dulali Bibi. Out of the wedlock with his third wife, a female child was born, namely, Julie Khatun. No overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has also been filed and as such, further detention of the petitioner, who is in custody since 11th March, 2020, is not warranted in the facts and circumstances of the present case.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code as well as the *post-mortem* report.

Records reveal that the petitioner's earlier application for bail was dismissed on 12th November, 2020 since the FSL and pathological report was awaited.

Mr. Mukherjee informs this court that the FSL report has not yet been received.

In the said conspectus and considering the nature of allegations, the period of detention and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary, moreso when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner namely, **Abul Hossain @ Nunuwa**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda.

The petitioner shall be present before the learned trial court on every date of hearing.

In the event, the petitioner fails to comply with the aforesaid direction, without any justifiable cause, the learned trial court shall be at liberty to cancel the bail of the petitioner without reference to this Court.

Accordingly, the application for bail being CRM 1931 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)